

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA
REGULAR MEETING
JUNE 27, 2011 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

(meeting taped)

The City Commission of the City of Wildwood, Florida met in Regular session, June 27, 2011 at 7:00 p.m.

Present were: Mayor Wolf, Commissioners Bivins, Clark, Allen and Strickland. Also present were: City Manager Smith, City Clerk Jacobs, City Attorney Blair, Police Chief Reeser, Parks & Rec Coordinator Hargrove, Development Services Director Peavy, Development Services Coordinator McHugh, and AVT Law.

The meeting was called to order by Mayor Wolf with Commissioner Allen giving the invocation and the audience joining in the Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS

- a. Ordinance No. O2011-05, an ordinance providing for advertising requirements for notice of Public Hearing rezoning of property (Attachments – Staff Recommends Approval) Quasi-Judicial

Ordinance O2011-05 was introduced and read by title only and DSD Peavy was sworn in and Public Hearing was opened for comment.

DSD Peavy explained that the City notice requirement is that all adjoining property owners be notified, however due to the number of property owners associated with some rezonings, this ordinance would allow the City to follow the State requirement for notification of rezoning. Notices of rezoning will be posted on the Web, the doors of City Hall, the Post Office, and advertised in the newspapers.

No comments received from the public.

Motion by Commissioner Strickland, second by Commissioner Clark that Ordinance No. O2011-05: An Ordinance Of The City Of Wildwood Florida; Providing For Advertising Requirements For Notice Of Public Hearings Concerning Rezoning Of Property; Providing For Conflict; And Providing For An Effective Date: is adopted on second final reading. Motion carried by unanimous vote.

Item moved forward from 3.b.

3.b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)

- 1) Ordinance No. O2011-06, an ordinance providing for voluntary annexation of a five (5) acre parcel of property (Mills property) (Attachments – Staff Recommends Approval)

DSD Peavy indicated that State Statute requires two Public Hearings for annexations.

Ordinance introduced and read by title only and Public Hearing opened for comment. No comment received.

Motion by Commissioner Clark, second by Commissioner Strickland that Ordinance No. O2011-06: An Ordinance Of The City Of Wildwood, Florida, Providing For The

Voluntary Annexation Of Certain Real Property Consisting Of Approximately 5 Acres Being Generally Located East Of The City; In Section 8, Township 18 South, Range 23 East; Which Is Contiguous To The City Limits Of The City Of Wildwood, Florida; Providing That The Annexed Property Shall Be Assigned A Zoning Classification Pursuant To The City Of Wildwood Land Development Regulations; Providing That The Property Annexed Shall Be Subject To All Laws And Ordinances Of The City Of Wildwood As If Such Territory Had Been A Part Of The City Of Wildwood At The Time Of Enactment Of Said Laws And Ordinances; Providing That The Annexed Property Shall Be Responsible And Held Liable For Their Proportionate Share Of The Existing And Future Indebtedness Of The City Of Wildwood; Providing That Section 1-14 Of The City Of Wildwood Code Of Ordinances Is Amended To Include The Annexed Property; And Providing An Effective Date: be passed on first reading. Motion carried by unanimous vote.

2. REPORTS AND PUBLIC INPUT

SPECIAL PRESENTATIONS:

- FY 2009-2010 Audit to be presented by Carr Riggs & Ingram (Audit delivered in advance to Mayor/Commission)

Lon Stafford of CRI provided brief report on audit. Referred to page 2, Statement of Activities, which presents the activities for the year. Change in net assets was to the positive. Noted the City is continuing to provide services and remain in a strong position. Page 5 – expenditures and revenues reflect very closely to the budget prepared at the beginning of the year. Again the net change is a positive amount. Noted comparison to budget on page 24, and there is nothing to report since the actual amounts did not exceed the budgeted amounts. Page 26 – information is new requirement for this year and was obtained from an actuary. The City as a member of FRS, retirees have the ability to sign in and be covered under the City's insurance plan after they retire and because they can do that there is a liability to the City for future. Currently the future years' liability is \$178,000. Like most, the City is not funding the liability at this time, but will fund it as the retirees acquire their health insurance. Page 35 – the same finding as in previous years. When accounting standards changed the City decided it was cheaper to have the auditors prepare the financial statements and adjusting entries for the financial statement. Although he agrees it is a good decision, the audit must contain the finding.

CM Smith – noted that \$17,400 will be budgeted for the new standard in 2011-12. Lon Stafford noted that although the accounting standard is new, retirees have for many years been able to remain on FRS municipalities' health insurance.

Motion by Commissioner Strickland, second by Commissioner Bivins to adopt the FY2009-2010 audit report. Motion carried by unanimous vote.

- a. City Manager
 - 1) FYI – Budget Analysis Report for May 2011 (Attachments on file)
 - 2) FYI – Memo from Jason McHugh regarding the Community Planning Act (HB7207) which is available in his office for review (Attachment on file)

- 3) FYI – Email from Bradley Arnold, County Administrator, with fee schedule information relating to building permits (Attachments on file) CM Smith noted the fees are being reduced by 25%.
 - 4) FYI – Updates from Kimley-Horn on City projects in progress (Attachments on file)
 - 5) FYI – Parks & Rec – Jason Hargrove – offer to employees for participation in recreational activities (Attachment on file)
 - 6) FYI – FDOT Five (5) Year Plan (Attachments on file)
- b. City Attorney – None
 - c. City Clerk – None
 - d. Commission Members – None
 - e. Public Forum (10 minute time limit)
 - 1) Manny Pesco, Wildwood Antique Mall – the sign issue is on-going. Received a letter stating that what had been submitted is 21.6 sq ft larger than what is permitted at 75 sq ft. In the Ordinance under paragraph j. it says will be comparable to surrounding businesses. At 75 sq ft it will not be comparable to the signs at Save A Lot, Ace, Badcock or other large stores in the shopping center. The letter also states that he should submit for a variance, which costs \$500 or \$575. Seems like overkill for a sign. If he pays that much he will present it to the board. The persons who drafted the Ordinance do not understand the needs of the businesses and business owners were not a part of the drafting process. Everyone wants what is best for Wildwood, we want a City looks good and is good, where businesses are profitable, but you are laying some stringent conditions that shouldn't be there, by virtue of the fact that the persons setting up the ordinance had the knowledge to input to have signage in the keeping and balance of the building. Now does he spend the money or can something be done in this meeting.

CM Smith – If you look at our ordinance which was compared to other cities and presented to the Commission as to whether it was too stringent or too lenient, it looked like it was on par with other communities. As far as the process to follow for a variance, the process was set up by the Commission, and for you to circumvent the process could be setting a bad precedent. We need to make sure everyone is playing by the same rules and paying the same fee. If we deviate from fees, we start negotiating with every developer that has an issue, they will come to this podium to say why they shouldn't have to pay the established fee. We would have a line of people, if they need a variance, coming to the Commission meeting making their case as opposed to going through the proper system.

CA Blair – not only that, but this entire thing started because of a code enforcement issue, and code enforcement was good enough to put things off so that a variance could be sought.

Manny Pesco – the point I am trying to make is that the signage you are trying to get the businesses to adhere to is unrealistic of the standpoint of what it takes to sell, of what it takes to bring in people. You really need to look at the ordinance from the standpoint of businesses. Strongly suggest a workshop with the businesses.

CM Smith – Mr. Pesco has not used all his appeal processes for denial and until that time, he would ask that the Commission not entertain any more evidence that might be presented during the hearing or entertain a change in the ordinance when he has not gone through the appeals process. In the appeals process which is asking for a variance, he might succeed and then the ordinances, which many other businesses have adhered to, would not have to be amended. Mr. Pesco knows the process he needs to follow and he would recommend that the fee not be changed, since the fee pays for the staff's time and the Special Magistrate's time.

Mayor Wolf asked what size the Beall's Outlet sign was. Mr. Pesco indicated it was 45' by 3 ½' tall, or about 165 sq ft. That area will have to be dressed up before putting up a new sign. 75 sq ft is about 2/3 the size of the banner that is up there.

Commissioner Bivins – if she understands the 75 sq ft is not comparable to the size of the front that he has to work with, and it needs to balance.

CM Smith – that is what his argument is, but again the variance is the process to take to follow the ordinance and administer. Mr. Pesco – I will come back and ask for the grant to cover half the sign and will include the \$500, right. CM Smith – no.

CM Smith, responding to question from Mayor Wolf – per the sign ordinances, if you are putting in a new sign, it has to meet the new standards. What Mr. Pesco is saying is that if you meet the new standards it doesn't meet the aesthetics or what is surrounding them. This sign will look a lot smaller than the surrounding signs. This is all facts and evidence that would be received by the Special Magistrate to afford Mr. Pesco a variance and say, this is the ordinance but this is a special reason why you should be afforded this variance and given approval for this one instance.

CM Smith - If the City opens the door, it will then swing wide open and every other person will be coming to the Commission for some consideration without going through the proper process.

Commissioner Allen asked if Mr. Pesco has a problem with going through the appeals process or with the cost. Mr. Pesco – problem with the cost and dollars are important when you are starting off. I will pursue through the Special Master, but feel the City needs to give some thought to bringing in some business people to get their feelings.

2) Chuck Piper – would request to address the Commission after presentation of item g.2.

3) Lenard Powell – When relocation agreement of County Road 139, was made he thought because of an agreement he had signed with the former City Manager to get water and trash pickup, that he was annexed. Through the relocation the property owners, including the City ended up with slivers of property. When the road was built he came to the City Zoning and was told they

weren't sure if he would end up in the City or County because the State was making some of the decisions. He talked with Marty Dzuro and asked for help on a proposal to the City. Marty told him he needed to get the legal descriptions straightened out. He wondered if the City would sell him the sliver of property that was creating a problem for him, but Marty indicated it might be hard to get an appraisal taking out a sliver. They decided to ask the City to swap property, but received a no from the City because they felt the City property value was more than Mr. Powell's property. Indicated that before he spends money, would the City consider is plausible to sell a portion of property to him, and if so would he be in the City or County.

CM Smith – requested that Mr. Powell provide a letter of intent and all information so that the information can be reviewed further by staff before bringing to the Commission on a future agenda for discussion.

f. Notes – no action required - None

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

- 1) Minutes of Regular Meeting held on May 23, 2011, (Attachments – Staff Recommends Approval)
- 2) Minutes of Regular Meeting held on June 13, 2011, (Attachments – Staff Recommends Approval)

Motion by Commissioner Allen, second by Commissioner Bivins to approve the minutes of May 23, 2011 and June 13, 2011 as typed. Motion carried by unanimous vote.

c. RESOLUTIONS FOR APPROVAL:

None

d. APPOINTMENTS

None

e. CONTRACTS AND AGREEMENTS

None

f. FINANCIAL

- 1) Bills for Approval (Attachments – Staff Recommends Approval)

Motion by Commissioner Bivins, second by Commissioner Allen to approve payment of bills. Motion carried by unanimous vote.

- 2) Review/approval requested for a quote to do the sanding and painting of the water tank at Millennium Park with recommendation (Attachments – Staff Recommends Approval)

CM Smith – Millennium is misspelled on the tank and in need of repainting. Kimley-Horn has checked whether the tank is needed and it is for pressurizing the irrigation system. Mayor Wolf asked if Kimley-Horn assisted with the specs quoted. One quote is for enamel paint and one is for latex paint. Specs should be

the same to actually compare the quotes. CM Smith – PRC Hargrove was looking at what needed to be done and the best cost to get it done. In five years reuse hopefully will be available to Millennium Park. Will get Kimley-Horn to provide specs and re-bid.

Motion by Commissioner Allen, second by Commissioner Bivins to table until next meeting to allow for specs to be drafted and to re-bid. Motion carried by unanimous vote.

- 3) Review/approval requested for city to pay rental fees for the gym to provide Adult Basketball – comparative budgets if teams pay full cost – or if city pays rental (Attachments – Board Option)

CM Smith – PRC Hargrove has been working to establish an Adult Basketball program, however since it is not a youth program the middle school will be charging for the use of the gymnasium at ½ the regular rental fee. Since this would increase the team fees in order to cover the costs, teams may not be able to afford the costs. Request the Commission to release up to \$3000 to put toward this recreational program as a trial to see participation there would be, and there is money available in the budget.

Mayor Wolf – does the police department charge the school for law enforcement at the basketball and football events. PC Reeser indicated they do pay for auxiliary. Mayor Wolf – would like to City Manager to check with School board because the gymnasium may have been built with Public money. If that is the case, they may give a better deal.

CM Smith – the youth league was well received and well attended. There is always public outreach saying that we don't have programs for older youths and adults. Ages will be 18 and up and 16 and up with parent consent.

Mayor Wolf – how does this compare to money put into other recreation, will it be more than provided in the recreation budget for other activities. CM Smith – Dixie Youth pays for itself, except that the City pays for some odds and ends and provides the man power for the field upkeep and compensation from Dixie Youth is about \$1200 per year. Mayor Wolf – will this be setting City up for question, why are you doing this for adult basketball and you don't help baseball, etc. Are we opening the door for criticism like, why is this more important than our project or events. CM Smith – because this is a low cost it is easier for the City create, where other programs such as football and baseball could be cost prohibitive at this time. Soccer is another low cost program. To try some of the programs, up front money will have to be provided, unless private donations are available. Commissioner Clark noted that the City has given to teams going to tournaments from the City. Commissioner Allen – possibly in the future we will build a gym in Millennium Park because basketball is a big program.

Mayor Wolf requested that is approved, a report should be provided to the Commission on how the money equates to cost per participant and cost per City resident because he feels there will be a lot of outsiders coming to participate.

Commissioner Strickland asked what night is being scheduled for basketball and if PRC Hargrove has checked with churches in the area that have gyms. PRC Hargrove indicated he has not received responses from the churches yet, but has made contact. He noted that \$3000 is for the entire season and that the fee was waived for the youth basketball league. Four teams will be required to run a league. Have not added an out of City fee at this time, as this is a trial season. In the future the team fees could be based on in city and out of city participants.

Motion by Commissioner Allen, second by Commissioner Bivins with the understanding this is a trial program, to authorize \$3,000 for Adult Basketball, in the event a church gym is available at no or a lower cost, that the rental with the School Board be dropped. Motion carried. Yea – Allen, Bivins, Clark, Strickland. Nay – Wolf.

g. GENERAL ITEMS FOR CONSIDERATION

- 1) Approval requested for a "Temporary Use – Special Event" permit (Attachments – Board Option)

CM Smith – request comes from Jay Turner to hold a tent revival at Martin Luther King Park and a site plan has been submitted. The revival is from Monday through Sunday, from 7 p.m. until 10 p.m.

Motion by Commissioner Bivins, second by Commissioner Strickland to approve request from Jay Turner. Motion carried by unanimous vote.

- 2) Amended Water, Wastewater and Reclaimed Water Transmission System Update from BFA (Attachments)

CM Smith – Pat Barnes and Dan Allen present. Background – Upon receipt of approvals of the 2035 Comp Plan Amendment, the City needed to update the Utility Master Plan. Due to the concessions made with DCA, the Master Plan changed, especially in the South.

The utilities area was reduced and the capacity that would be needed was reduced. Because the needs were reduced and the fact that the City consolidated refuse services with Waste Management this opened the door to expand the current Wastewater facility. BFA was asked to also look at whether it was cost feasible to construct one wastewater treatment plant or still cost feasible to construct two wastewater treatment plants, in addition to updating the Utility Master Plan. The first report received by the City from BFA was not a Utility Master Plan, but a Transmission Infrastructure Extension update, which looked at the line sizes, where existing facilities were located and whether one plant was needed as opposed to two plants. The report indicated wastewater needs of the future would need a 4.55 mg plant expansion, which could fit at the current location. One plant would be less expensive as far as operational costs, maintenance costs, line extension costs and construction costs.

The report was discussed with Landstone, and an issue brought up during negotiations with Landstone was the dollars that were used in the April report. The numbers used were 2009 numbers, not 2011 numbers. There was no

contingency to cover engineering, administration, funding, etc. The plan did justify an increase in TIE fees, though not an increase in connection fees. It was brought to the Commission to re-evaluate the TIE fees so the City would be assessing developers the right amount for the line. After that meeting and discrepancies in the numbers were discussed, BFA reviewed and updated the report, with completion on June 1 and an amendment on June 23.

BFA has provided information from the 2005 report to show how they came up with the \$8 per gallon construction cost.

The BFA 2011 report updated the Transmission system and not the Utilities Master Plan. The Utilities Master Plan update is needed for the Comp Plan and to know what fees are going to be assessed to developers for both Connection fees, which pay for the well sites, wastewater treatment plants, and to make sure the lines are sized right for the flows needed.

The City had entered into a Memorandum of Understanding with Landstone, April 2008, and prior to the DO being approved. Once the DO was approved Landstone fees in the approximate amount of 4.5 million dollars, would be due, but the City agreed those would be held in abeyance until a utility agreement was entered into.

He understood and thought that Landstone understood from the negotiations of 2008 that the City could have settled with DCA without Landstone actually developing, we didn't stand for concessions that included Landstone not developing. The Commission will have to decide whether to move forward with one wastewater treatment plant, or agree with the terms of the MOU and do two wastewater treatment plants with BFA amending the fees to accommodate two, or some other plan or negotiation. If the MOU is followed and a second wastewater treatment plant is constructed in Landstone, that would save them the wastewater TIE fee which is equal to 12.8 million dollars. They would also save on reuse TIE fees. One negotiation has been instead of a wastewater treatment plant at Landstone and instead of Landstone paying an actual TIE fee, they pay for the line extension, which should be less. Landstone engineers today have indicated that would be 12.1 million dollars, but Kimley-Horn will need to review those figures.

Pat Barnes, BFA – realize there were discrepancies in the April report, and that the June report brought up questions, which BFA has tried to answer. If all have not been answered he and Mr. Allen are present to answer those.

CM Smith – why would 2009 costs be used in a 2011 update or add the 25% back into the April submittal as opposed to the June submittal. But my questions have been answered, but still disagree with the O&M costs. There is a gap between one vs. two wastewater treatment plant, but even with minor adjustments the gap would probably exist. My questions have been resolved as to those, and if the City is sued by a private developer, which could potentially happen, BFA would be the expert that would give testimony to the facts, since the analyses that was completed within the document and would be supporting the document as the City's consultants. Pat Barnes indicated that BFA would

expect to have that opportunity as they have been in the past. Indicated BFA stands behind the report as amended and it is a Transmission Infrastructure Extension.

CM Smith noted it is not what asked for, which was a Utilities Master Plan update, but it is a Transmission Infrastructure Extension Master Plan and does look at whether one or two wastewater treatment plants will be needed. Noted there is a developer present who may have comments or questions, and that the City Attorney has comments, but after that is completed, the Commission is requested to approve the Water/Wastewater/Reclaimed Water System update, chose whether one or two wastewater treatment plants, and though BFA recommends one with lower maintenance costs, that could be amended per agreements in place.

CA Blair – based on what has been said, the BFA report indicates that one treatment plant is cheaper for the City based on current and on-going development, whether using the 2009 costs or the 2011 costs. The developer would be requested to pay the current fees including connection and TIE fees, but there are on-going negotiations in reference to the TIE fees since the City may not need a wastewater treatment plant at the development. The Commission will need to decide whether one or two plants. The issue of Landstone paying doesn't change, unless the City enters into negotiations with them and give them time in exchange for them agreeing that the need for the property is different now than at the time the MOU was executed by both parties.

Mayor Wolf asked that the Commission wait to make a decision until the negotiations are complete.

CM Smith – if the Commission adopts the report and workshop can be scheduled to work out an agreement with Landstone. Landstone has to be aware that if they are going with the MOU, then payment will be due within a short time, and are actually due now but have been held in abeyance during negotiations.

CA Blair asked for direction from the Commission to meet with the Landstone parties and BFA. CM Smith – needs to include a time frame not to exceed September 30, 2011. Doesn't believe Landstone will ever agree with the BFA study due to the vested interest they have in the outcome.

Motion by Commissioner Bivins, second by Commissioner Allen to accept BFA study as a study of recommendations as to how to update the system. Motion carried by unanimous vote.

Motion by Commissioner Strickland, second by Commissioner Allen to continue the payment abeyance with Landstone until September 30, 2011 and continue negotiations and authorize City Staff to utilize City Engineers and City Attorney in said negotiations, and a workshop with the Commission be scheduled prior to September 30, and if no agreement is reached prior to September 30 payment will be due or an abeyance extension may be necessary. Motion carried by unanimous vote.

Chuck Piper, Landstone – appreciate the Commission consideration for a workshop and want to make sure the Commission understands that the City and Landstone continue the good working relationship.

CM Smith – requested that any questions from Landstone from be from their engineer or signed by the engineer and directed to the City Manager.

- 3) Discussion (if needed) regarding City Manager's Evaluations (Handout at Meeting - NO Attachments)

Mayor Wolf – compiled the responses and on all questions, the City Manager rank meets expectations to exceed expectations. It is a positive evaluation.

Commissioner Bivins – noted that it was asked last year that employees under his direct supervision rate the City Manager on this same system. If she hears what they have to say about his supervisory skills, she feels she can better rate him. Feels that employees should have this type of opportunity to rate their supervisors.

CM Smith – can have the supervisors appraise him by the next agenda. As to random selection of employees, he will discuss with HRC Cox.

Commissioner Bivins – feels employees should have the opportunity to rate each other.

4. ADJOURN:

Upon a motion by Commissioner Bivins, second by Commissioner Allen the meeting adjourned.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:

By: Theresa Roberts, Asst City Clerk
Joseph Jacobs, City Clerk

Ed Wolf
Ed Wolf, Mayor